Co.Pet. 12/2002
BEFORE
HON’BLE MR JUSTICE UJJAL BHUYAN

Heard Mr S Bharali, learned counsel for the applicant, Mr D Bora, learned counsel for respondent No. 1 (Official Liquidator) and Ms M Goswami, learned counsel for respondent No. 2.

There is no representation on behalf of respondent Nos. 3 and 4, though served.

This petition has been filed in representative capacity by the contributories of Aidaupukhuri Tea Estate Private Limited for staying the winding up proceeding of the Company.

On a petition filed by a creditor, respondent No. 2 herein, for winding up of the Company for inability to pay debt to the said respondent, which was registered as Company Petition No. 12 of 2002, this Court passed order dated 05.05.2005, directing winding up of the Company and ordering the Official Liquidator to oversee the winding up.

Without entering into specific details mentioned in the application at this stage, Court is of the view that having regard to the provisions contained in Sub-Section (2) of Section 466 of the Companies Act, 1956, Official Liquidator (respondent No. 1) should furnish to the Court the present status of the Tea Estate. The report should indicate the assets and liabilities of the Company, total number of work force and how wages of the work force are being paid. The report should also indicate as to whether any manufacturing of tea is taking place in the Tea Estate. The Official Liquidator shall indicate in his report as to whether there is any prospect of revival of the Company.

Let the said report be submitted within a period of 8 (eight) weeks from today.

In the meanwhile, Mr Bharali shall submit a complete synopsis of the case since the initial winding up petition was filed way back in the year 2002.

List for further consideration on 11.02.2016.